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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

The right to development

Report of the Secretary-General

I. Introduction

1. In its resolution 63/178, entitled "The right to development", the General Assembly requested the Secretary-General to submit a report to the Assembly at its sixty-fourth session and an interim report to the Human Rights Council on the implementation of the resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development. By the same resolution, the General Assembly invited the Chairperson of the open-ended, intergovernmental Working Group on the Right to Development of the Human Rights Council to present a verbal update to the Assembly at its sixty-fourth session.

2. The present report supplements the report submitted by the Secretary-General to the Human Rights Council at its twelfth session in accordance with the above-mentioned request (A/HRC/12/29), and provides information on the tenth session of the Working Group on the Right to Development, specifically its conclusions and recommendations.

3. The Working Group was established in accordance with resolution 1998/72 of the then Commission on Human Rights and, as endorsed by the Economic and Social Council in decision 1998/269, as a follow-up mechanism to make further progress towards the realization of the right to development, as elaborated in the Declaration on the Right to Development. The Working Group has thus far convened 10 sessions.

4. In the fulfilment of its mandate, as set out in paragraph 10 (a) of resolution 1998/72 of the Commission on Human Rights, the Working Group is assisted by a

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high-level task force, established in accordance with resolution 2004/7 of the Commission and Economic and Social Council decision 2004/249, upon the recommendation and within the framework of the Working Group. Pursuant to resolution 2005/4 of the Commission on Human Rights, the task force examines Millennium Development Goal 8, on a global partnership for development, and suggests criteria for its periodic evaluation with the aim of improving the effectiveness of global partnerships with regard to the realization of the right to development. The Human Rights Council, in its resolution 9/3, decided that those criteria should be extended to other components of Millennium Development Goal 8. The task force has convened five sessions.

II. Information supplementing the report of the Secretary-General submitted to the Human Rights Council at its twelfth session

5. The Working Group on the Right to Development convened its tenth session in Geneva from 22 to 26 June 2009 to consider the report of the fifth session of the high-level task force (A/HRC/12/WG.2/TF/2), held from 1 to 9 April, which contained the assessments of the selected global development partnerships in the context of further elaboration of the right-to-development criteria, and the revised list of right-to-development criteria.

6. The Working Group adopted by consensus its conclusions and recommendations (see A/HRC/12/28), according to which the task force should, inter alia, focus on the refinement of the criteria and elaboration of corresponding operational subcriteria, to be submitted to the Working Group at its eleventh session in 2010, and continue to study development partnerships on selected thematic areas with a view towards further refinement of the criteria.

7. Specifically, in relation to targets 8.E, on access to essential medicines, and 8.F, on transfer of technology, of the Millennium Development Goals, it was recommended that the task force draw on its dialogue with the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property, the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, and the Special Programme for Research and Training in Tropical Diseases. In response to this recommendation, members of the task force undertook visits to the relevant institutions working in the area of access to medicines.

8. In the area of technology transfer, the Working Group recommended that the task force attend the Conference on Intellectual Property and Public Policy organized by the World Intellectual Property Organization (WIPO) in Geneva in July 2009, and hold consultations to gather information on the Development Agenda of WIPO in relation to the realization of the right to development. The task force has since carried out both of these activities, as well as a technical mission on the Development Agenda. The Working Group also recommended that the task force examine the Clean Development Mechanism, including in connection with mitigation of and adaptation to climate change, and, subject to an invitation, attend the Climate Change Conference in Copenhagen in December 2009.

9. As regards targets 8.B and 8.D, on debt relief, the Working Group recommended that the task force devote time during its sixth session in 2010 to an

examination, from the perspective of the right to development, of the experience of the institutions responsible for the Heavily Indebted Poor Countries Initiative and Multilateral Debt Relief Initiative and other institutions and procedures that address the issue of debt relief. Taking into account the importance of the fight against poverty, hunger and unemployment and the continued need for financial assistance to developing countries, the Working Group recommended also that the task force draw on the expertise and lessons learned from relevant institutions, including the Bretton Woods institutions, and from the manner in which development initiatives are working in this regard.

10. The Working Group recommended that, in further refining the right-to-development criteria, the task force draw on specialized expertise, including from academic and research institutions and relevant United Nations agencies and other relevant global organizations and the experience of countries in relation to the promotion of the realization of the right to development. It also recommended that the revised criteria and subcriteria should address the essential features of the right to development, including priority concerns of the international community beyond those enumerated in Millennium Development Goal 8, and serve the purposes set out in all relevant provisions of Human Rights Council resolution 9/3. The Working Group agreed that the task force should also ensure that due attention is given to other issues relevant to the right to development, including in the context of climate change and the current global economic and financial crisis.